

RECONSTRUCTION OF SCENE

AND

CRIME SCENE ANALYSIS

[REDACTED] FORENSICS
FORENSIC CONSULTING AND EDUCATION

CRIME SCENE ANALYSIS AND
RECONSTRUCTION OF THE
[REDACTED]
OFFICER-INVOLVED
SHOOTING

Spokane County Sheriff's Office
Case # [REDACTED]

This report was prepared for the Spokane County Sheriff's Office by [REDACTED] of [REDACTED]
Forensics. The agencies listed above represent the People of Spokane County, Washington.

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PREFACE

This report was initiated by [REDACTED] of the Spokane County Sheriff's, Office of Professional Standards, to examine case materials in an officer-involved shooting. On behalf of Spokane County Sheriff [REDACTED], Mr. [REDACTED] requested a complete analysis, organization, and reconstruction of this Officer-Involved shooting incident. A list of all documents examined can be found in Appendix A, a crime scene diagram in Appendix B, and pertinent scene photographs in Appendix C.

The conclusions within this report are contingent upon information provided by the Spokane County Sheriff's Office, information provided by those involved in the investigation, and upon examination of the listed materials.

This report is based solely upon the information made available to me at the time this document was written and may be changed or modified with the discovery of new information.

CASE SUMMARY

On [REDACTED] 2010 at around 23:05 hours (or 11:05 pm) Spokane County Sheriff's Deputy [REDACTED] parked in his unmarked patrol car in the business parking lot of "[REDACTED] [REDACTED]" located at [REDACTED], in Spokane Valley, Washington.

Deputy [REDACTED] was seated alone in his car, using his in-car mounted computer to complete a report, when he noticed a subject walking towards his patrol car, holding a handgun.

Deputy [REDACTED] presented his duty weapon through his open driver's side window, identified himself as "Police," and made multiple verbal commands for the subject to drop his gun, but the subject did not comply.

The subject advanced towards the driver's side of the patrol car, still holding the pistol in his hand. The subject was commanded to, "drop the gun" five or six more times before he replied, "I don't have to, I've had things stolen, I'm not going to."

Ultimately, the subject placed the handgun in the back waistband of his pants, and Deputy [REDACTED] was then able to exit his car. The subject was directed to "Get on the ground," and when he again did not comply, Deputy [REDACTED] withdrew his baton and delivered a single baton strike to his leg, in an attempt to secure him.

The subject reached behind his back and when Deputy [REDACTED] saw that the subject had a grip on the handgun, he fired one round into the subject, mortally wounding him. Deputy [REDACTED] called for assistance using his police radio, and stood by until his back-up arrived.

The subject who Deputy [REDACTED] shot was later identified as [REDACTED], owner of [REDACTED] [REDACTED] where Deputy [REDACTED] had parked his car. An autopsy revealed that Mr. [REDACTED] had sustained a single penetrating gunshot wounds to his chest, and died at the scene, as a result of that wound.

Deputy [REDACTED] stated that he knew Mr. [REDACTED] was armed with a gun, and knew his life was in danger earlier when Mr. [REDACTED] was walking towards his parked patrol car. When Mr.

[REDACTED] reached for his rear waistband, Deputy [REDACTED] fired one round into the subject's chest.

As in other Officer-Involved Shootings, the criminal investigation into this matter was conducted using trained Investigators from multiple agencies. Evidence from this investigation was presented to the Spokane County Prosecuting Attorney, who subsequently declined to file criminal charges against Deputy [REDACTED]

TIMELINE OF EVENTS

██████████ 2010

17:30 hours Deputy ██████████ begins his work day at shift briefing¹.

18:00 hours Deputy ██████████ in service, in the field.²

22:51:44 hours: Deputy ██████████ MDT connects to the network.

22:52:02 hours: MDT time auto-synced to Atomic Clock at the UW.

22:55:24 hours: Deputy ██████████ on scene for prowler check at ██████████

23:00:34 hours: Deputy ██████████ clears ██████████

23:05:51 hours: First of four MDT documents accessed.

23:05:56 hours: Deputy ██████████ checks out (via MDT) at ██████████ for Prowler check request.

23:06:15 hours: Last document accessed on MDT³

23:07:15 hours: Deputy ██████████ (██████████) begins transmission of call sign and "Code 6."⁴

23:07:21 hours: Radio gives emergency tone, repeats "Code 6, gives location of ██████████ ██████████"

23:07:25 hours: Deputy ██████████ reports, "I got shots fired, one down, shots fired." Message immediately repeated by radio. (10 seconds after Code 6.)

23:07:31 hours: Sgt. ██████████ advises, "Call out a 99"⁵

23:07:34 hours: Deputy ██████████ requests medics, radio transmits "99," repeats location, and G/S2 pings location.

23:07:50 hours Deputy ██████████ states, "I Need Medics."

23:07:53 hours: ██████████ calls 911 (connects to ██████████ trunk line.)

23:08:02 hours: ██████████ begins her 911 conversation: "I'm at ██████████ ██████████ and there's a car in the parking lot. My husband is not in bed. I

██████████ Transcript - 2, pg. 2

██████████ Transcript - 2, pg. 2

³ This information obtained by ██████████, SCSO computer expert, who examined Deputy ██████████ MDT.

⁴ "Code 6" is defined as "officer needs assistance."

⁵ "Code 99" is defined by policy (316.1.1) as "back up is needed immediately. This is an emergency."

think he's out there but there were shots fired." She provides her name, address, and phone number.

23:08:05 hours: Radio asks, "[REDACTED] Is it safe for the medics to come in?" [REDACTED] advises, "It is." Deputy [REDACTED] repeats request for medics and confirms his location as [REDACTED] @ [REDACTED]

23:08:19 hours: Deputy [REDACTED] ([REDACTED]) arrives (54 seconds AFTER shots fired.)

23:08:36 hours: Mrs. [REDACTED] reports that another car just arrived.

23:08:38 hours: Deputy [REDACTED] ([REDACTED]) arrives (19 seconds AFTER [REDACTED] arrival)

23:08:49 hours: Mrs. [REDACTED] reports three cars on scene.

23:08:50 hours Mrs. [REDACTED] is asked, "And your husband is outside with them"...to which she replied, "Yes and I think there are 3 cars on the scene. I don't know if they're your guys or who's"

23:08:57 hours Mrs. [REDACTED] is asked, "How long ago did you hear shots?" She replied, "Minute and a half maybe". (Actual = 1 min 32 seconds). She is asked if her husband is armed and she replied, "I don't know. I don't know where he is."

23:10:04 hours As Mrs. [REDACTED] is providing name/DOB/description of [REDACTED] there is a knock at the door.

23:10:57 hours Mrs. [REDACTED] is asked if she wants any contact at her house and she states, "I think the contact is already here."

23:11:08 hours Phone conversation with Mrs. [REDACTED] concludes

23:15 hours American Medical Response (AMR) on scene.

23:27 hours [REDACTED] is pronounced dead by Dr. [REDACTED], at Valley Hospital, via telephone.

PROCESS - METHODOLOGY

The author of this report has worked as a Medicolegal Death Investigator; is a fully commissioned law enforcement officer in Washington State; has received training in identification, documentation, and forensic evidence analysis for crime scene reconstruction; and regularly teaches death investigation and bloodstain pattern analysis for crime scene investigation and reconstruction.

The basic principles of Crime Scene Investigation, Reconstruction, and Bloodstain Pattern Analysis were used to examine this case initially as if it were an unsolved matter. As the case review progressed, conclusions and opinions were developed.

Crime Scene Investigation, Reconstruction, and Bloodstain Pattern Analysis involves examining all of the various forms of physical evidence from the scene developed during the investigation, evidence from the autopsy, and then using specialized training and experience, developing conclusions and opinions concerning the events which transpired during the incident. In order to complete this process a great deal of information must be provided to the analyst, including:

- Crime Scene Photographs
- Evidence Collection Reports
- Autopsy Reports and Photographs
- Forensic Laboratory Examination Reports
- And Victimology Data

Once these materials were obtained, the review and analysis was conducted as follows:

- Crime scene photographs were studied
- Statements and transcripts were studied and compared
- Autopsy reports and photographs were examined, and Dr. [REDACTED] was interviewed.
- Forensic laboratory and Investigative reports were examined

Conclusions were then reached about the events surrounding this particular incident. That analysis led to the conclusions in this report.

PHYSICAL EVIDENCE DEVELOPED FROM THE SCENE

Physical Evidence:

- Mr. [REDACTED]'s Body, Lying Outside, Supine on the Bare Ground.
 - Clad in pants, belt, and moccasin style slippers.
 - Not wearing a shirt.

- A [REDACTED] .45 Caliber Handgun Belonging to [REDACTED]
 - Deputy [REDACTED] stated [REDACTED] approached his patrol car carrying a handgun. A .45 caliber handgun was recovered at the scene which was registered to [REDACTED]. It contained seven rounds in the magazine, but no round in the chamber.

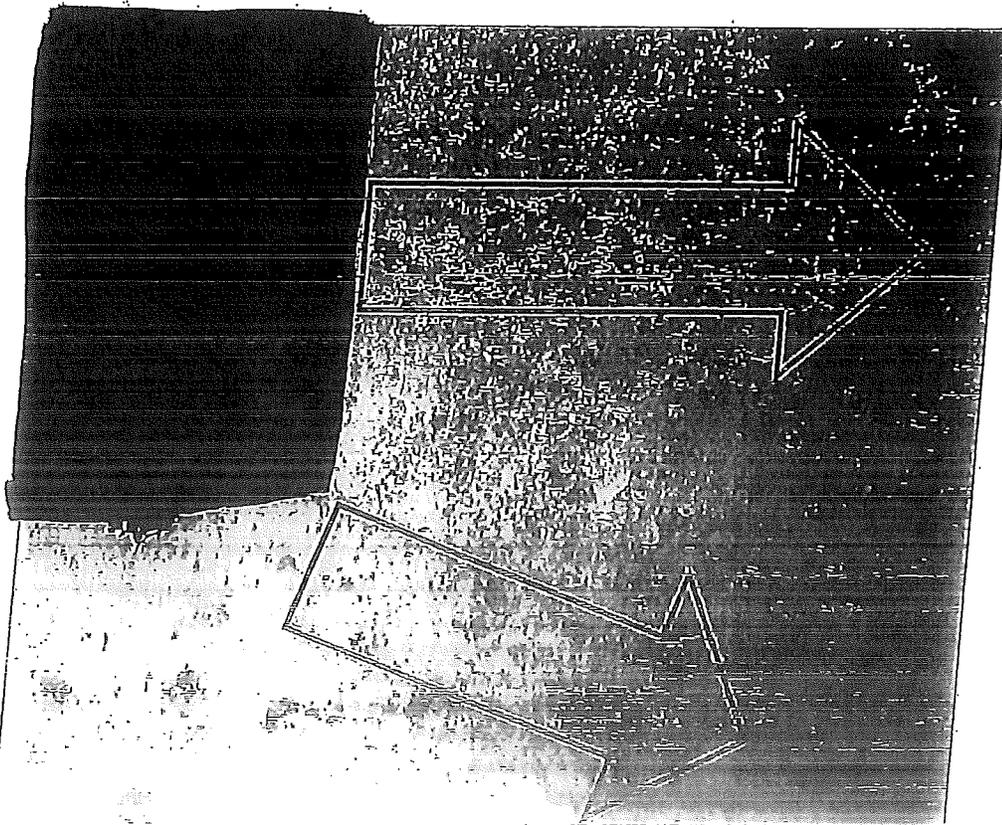
- A Flashlight on the Ground, Next to Mr. [REDACTED] Right Hip.
 - Deputy [REDACTED] stated he was first alerted to someone approaching his car when he observed a flash of light to his left. Mr. [REDACTED] probably used his flashlight to guide his path as he approached the parked car in [REDACTED] parking lot.
 - The flashlight was found on the ground, slightly under and beside the right hip of Mr. [REDACTED].
 - The flashlight was not "on" or illuminated when it was discovered in the position described above.

- SCSO Patrol Car (and its contents) Parked Near to the Body.
 - No visible external Sheriff / Police decals or surface mount emergency light(s) or light bars were affixed to the exterior of the car.
 - Push Bars were affixed to the front bumper.
 - Multiple antennae mounted to the roof.
 - Spot light mounted into the left A-pillar of the car.
 - MDT Computer mounted in the front half of the passenger compartment.

- **Bloodstains on the Ground, North and East of Mr. [REDACTED]**

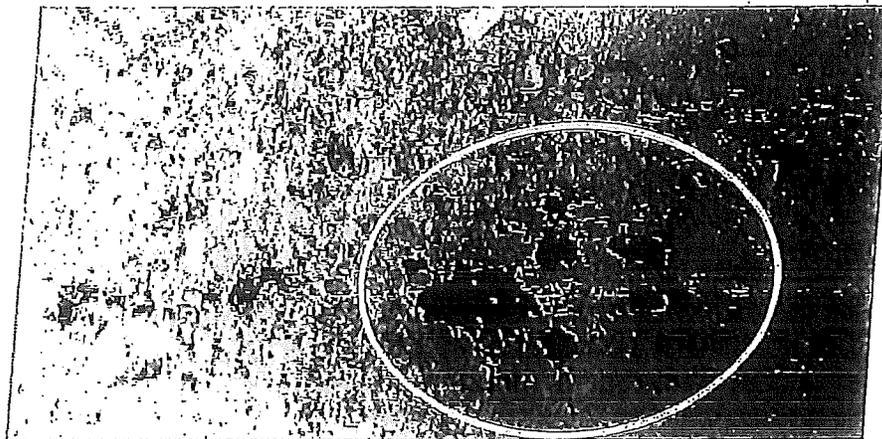
In an effort to better understand the bloodstain evidence at this scene the photographs taken by Deputies [REDACTED] and [REDACTED] were studied closely. To their credit, these deputies took original photos of the scene while Fire / EMS personnel were attending to Mr. [REDACTED]. The longer Fire / EMS personnel attended to Mr. [REDACTED] the more they altered the bloodstains associated with this scene.

When [REDACTED] and [REDACTED] photographs were compared to the photos taken after Mr. [REDACTED] was pronounced dead, one can better understand the linear distribution, and specific characteristics of the bloodstain evidence on the ground.

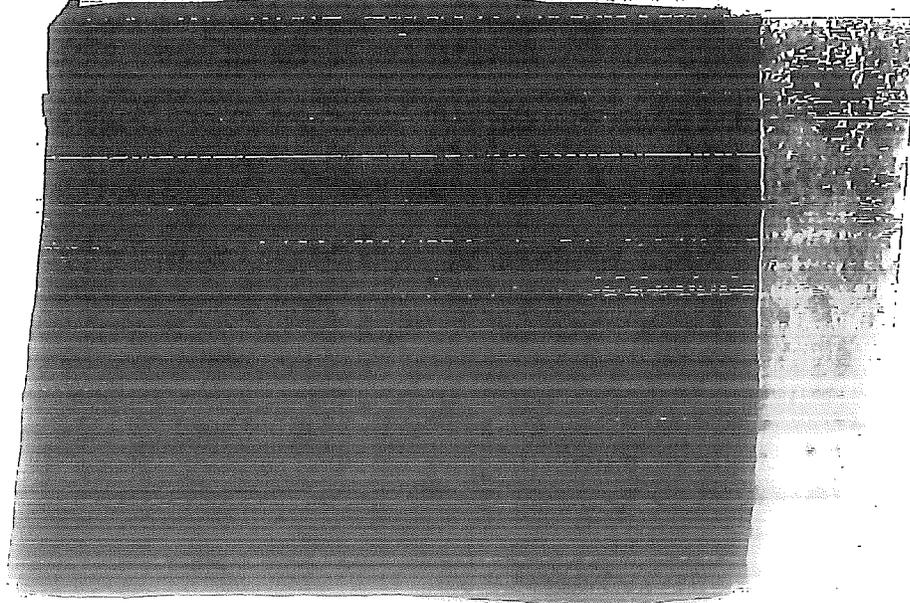


- The majority of the bloodstains observed in this scene consist of projected bloodstains, consistent with blood being projected from the body, under pressure other than an impact.

- Mr. [REDACTED] sustained a devastating injury to his heart when the bullet entered his chest, causing lacerations to the pericardium and left atrium of the heart. The heart continued to pump, propelling blood from the body onto the ground. The resulting two linear sets of bloodstains, make-up the majority of the bloodstain patterns.
- Projected bloodstains with a volume of 1.0 mL or more often exhibit spines and spatters (see photo below) which radiate from the central bloodstains.

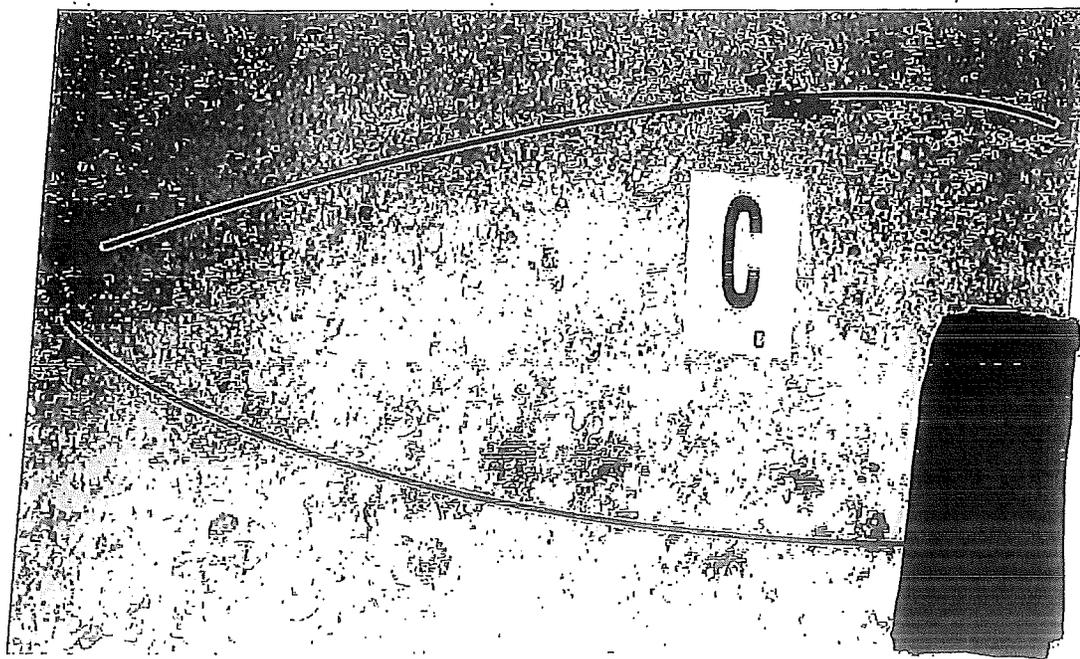


- Conversely, a large volume pool of blood resulting from flow patterns (like that seen under Mr. [REDACTED] head below) exhibit curved margins that move across the surface, influenced by gravity, and fill in around landmarks on the surface.



- o One cannot rule out some errant drips or altered bloodstains within these bloodstain patterns due to first responders within in the scene.

There has been some discussion about the bloodstains to the northeast of Mr. [REDACTED] as, "A similar dual pooling of blood was located approximately 2 to 3 feet northeast of the decedent's head."⁶ The small pools of blood were marked using placard C. These bloodstains lead some to believe Mr. [REDACTED] may have been moved, probably during the course of medical aid.



Careful close-up study of the bloodstain evidence on the ground does not support that theory. Generally speaking, these two, separate bloodstain patterns are similar to each other in their size, shape, and distribution, and in fact were probably created using the same mechanism. (Black lines inserted on photograph to highlight linear pattern.)

Arterial Bloodstain Patterns are observed in scenes where arterial pressure propels blood ward, forward, or downward from a damaged artery or the heart. This bloodstain pattern often manifestis itself in a linear, spray-type distribution, and may appear bright red in color

⁶ Detective [REDACTED] Report pg. 33

due to the oxygenated state of arterial blood. The size of individual Arterial Bloodstains ranges from less than 1mm to greater than 1 cm in diameter. The stains may appear elongated with associated satellite spatters around the greater mass of the bloodstain, and the shapes of these stains may also vary. The physical characteristics of this type of bloodstain pattern are dependent upon the:

1. Location of the injury
2. Severity of the injury
3. Volume of blood dispersed
4. Orientation of the surface
5. Surface texture
6. Position and Movement of the victim
7. Alteration of bloodstains, and
8. Medical intervention.

o **The Bloodstains Identified With "Placard C."**

- o These bloodstains are not dripped blood pattern or artifact from moving Mr. [REDACTED] prior to administering medical aid, essentially creating a blood trail.
- o This bloodstain pattern is actually two separate bloodstain patterns which occurred sequentially. The mechanism of these bloodstain patterns was two separate arterial spurts of blood which occurred one after the other.
- o They are linear in appearance and seem to converge several feet above Mr. [REDACTED] position of final rest.
- o These bloodstains also have directionality. They were traveling generally from Southwest to northeast, away from Mr. [REDACTED] final rest location.
- o If Mr. [REDACTED] had been moved, the bloodstain directionality would be opposite (from the NE to SW) towards the position of final rest.
- o Either line of bloodstains, when studied closely, does not support Mr. [REDACTED] being dragged the 2 - 3 feet across the gravel parking lot. To move Mr. [REDACTED] a person (or persons) would have to pick him up off the ground and carry him above the ground to create a drip pattern. And even if that were the case, the directionality of the bloodstains would still be opposite of the movement of the body, and thereby impossible.

- o **Bloodstains on Mr. [REDACTED].**
 - o Flow patterns are observed on the upper anterior portion of Mr.' [REDACTED] chest. These flow patterns are consistent with blood exiting the body during chest compressions and manipulating the body during resuscitation and photographs. The flow patterns follow the slope of the body, and drip to the ground under where Mr. [REDACTED] was positioned.
 - o Bloodstains are observed on the left hand, but are absent on the right hand of Mr. [REDACTED]. Although it is impossible to determine when the bloodstains were deposited on the left hand, the bloodstains are present on the hand when Deputy [REDACTED] took a series of photographs of the Fire / EMS personnel rendering aid to Mr. [REDACTED], which indicates a minimum timeframe in which they would have been produced.

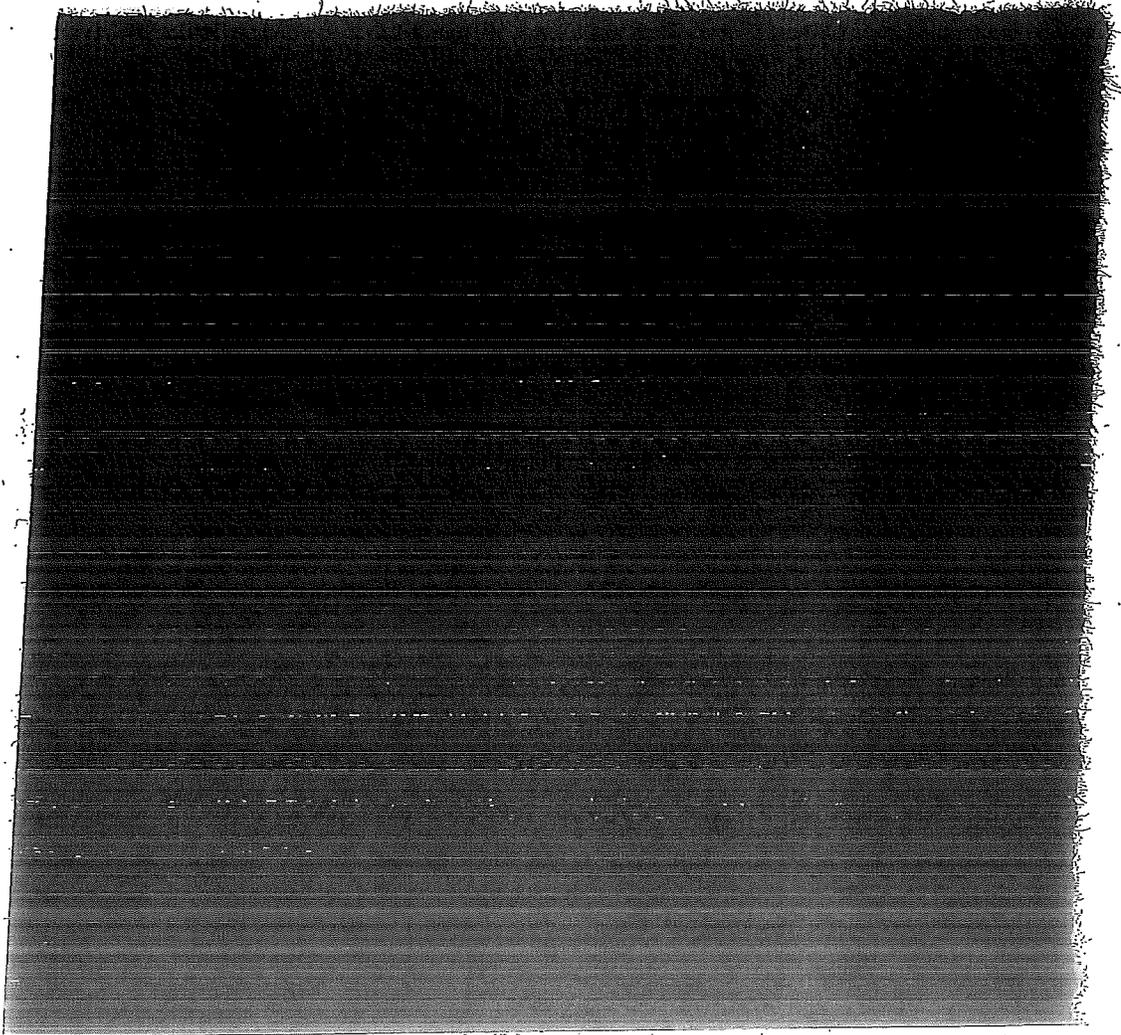
- o **Bloodstains on Deputy [REDACTED] uniform pant leg, and boots.**
 - o Detective [REDACTED] initially discovered presumed bloodstains on Deputy [REDACTED] right boot.
 - o Bloodstains were identified on Deputy [REDACTED] uniform pants by [REDACTED] WSP Forensic Scientist. [REDACTED] tested eleven separate areas suspected of being bloodstains using a presumptive testing agent (Phenolphthalein) to which she obtained positive results on all areas tested.⁷
 - o Bloodstains were identified on Deputy [REDACTED] uniform boots (both right and left) by [REDACTED] WSP Forensic Scientist. [REDACTED] sampled suspected bloodstains on each boot using a presumptive test (Phenolphthalein) to which she obtained positive results on all areas tested.⁸
 - o The photographs of Deputy [REDACTED] pants and boots showed distinctive bloodstains consistent with projected blood. The bloodstains are small and the shape of the individual stains indicate their direction of travel was front to back, slightly left to right,⁹ (towards [REDACTED]) if he were facing the blood source at the time of the bloodletting.

⁷ WSP Lab Report - [REDACTED] (7) -10
⁸ WSP Lab Report - [REDACTED] (7) -10
⁹ SPD Det. [REDACTED]

- o The majority of the stains examined for this report indicate they impacted Deputy [REDACTED] boots, rather than the boots having come in contact with a wet blood source. At least one bloodstain in [REDACTED] photographs depicted a bloodstain which was a contact transfer stain, an altered bloodstain, or a bloodstain which had been swabbed.

Mr. [REDACTED] Wounds:

- o Penetrating Gunshot Wound to the Chest.



¹⁰ Dr. [REDACTED] Forensics Autopsy Report. Pg. 6
¹¹ Dr. [REDACTED] Forensics Autopsy Report. Pg. 6
¹² Dr. [REDACTED] Forensics Autopsy Report. Pg. 6

o [REDACTED]
[REDACTED]
[REDACTED]

Behavioral Evidence: [REDACTED]

- o [REDACTED] was not fearful of protecting his property. He demonstrated a history of confronting individuals on and off his property, while he was armed with a handgun. Although advised by law enforcement not to, Mr. [REDACTED] had developed an established pattern to "protect his property" and confront individuals while brandishing a firearm.
- o On the night of his death ([REDACTED]-2010) Mr. [REDACTED] left the safety of his home, carrying a loaded handgun, and walked outside ultimately approaching a vehicle parked in his parking lot, during the hours of darkness.
- o While outside Mr. [REDACTED] contacted Deputy [REDACTED] who was seated in his unmarked Patrol car. The vehicle is equipped with a push bar, external spot light, and multiple antennas on the roof. Even though the vehicle was unmarked, a reasonable person would recognize the car was associated with law enforcement¹⁴. Using this same standard, one should recognize the uniformed deputy seated inside the vehicle, partially illuminated by the glow of the car mounted computer screen, even if the computer was being used in a nighttime (dim) mode setting.
- o [REDACTED] woke up to find her husband ([REDACTED]) "not in bed," heard a gunshot, and called 911. By Mrs. [REDACTED] own admission, her husband did not inform her of a "situation," nor did he request her assistance¹⁵. Mrs. [REDACTED] reported that her husband normally uses a handgun to "enforce his authority as the property owner."¹⁶

¹³ Dr. [REDACTED] Forensics Autopsy Report. Pg. 6

¹⁴ The Reasonable Person Standard: Is a phrase frequently used in Criminal Law to denote a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability.

¹⁵ 911 transcripts

¹⁶ Interview of [REDACTED], conducted by Detective [REDACTED]

- o Mr. [REDACTED] motive for investigating the car parked on his property was presumed to "protect his property" since he had been a victim of theft in the past. Again, using the reasonable person standard, once Mr. [REDACTED] identified the Sheriff's vehicle parked on his property, or the uniformed deputy inside, an armed encounter would not be necessary and a reasonable person would have secured their weapon.
- o Mr. [REDACTED] had no known history with Deputy [REDACTED].
 - o Following the shooting incident, Deputy [REDACTED] made spontaneous utterances reference Mr. [REDACTED], asking his co-workers, "Who the fuck is this guy?"¹⁷
- o Mr. [REDACTED] was a non-compliant to direct orders from a uniformed law enforcement officer.
 - o Mr. [REDACTED] carried a handgun in his right hand, as he approached Deputy [REDACTED] seated in his patrol car.
 - o At no time, did Mr. [REDACTED] identify himself as the property owner to Deputy [REDACTED] or explain why he was carrying a handgun.
 - o When Mr. [REDACTED] was commanded (multiple times) to, "Drop the Gun," "Back Up," and to "Get on the Ground," he refused to comply.
 - o When Mr. [REDACTED] finally secured his weapon in his waistband, Deputy [REDACTED] attempted to control the subject by using verbal commands and then initiating a baton strike to deescalate the situation.
 - o When Mr. [REDACTED] failed to comply with Deputy [REDACTED] orders, Deputy [REDACTED] delivered a single baton strike to his leg. Mr. [REDACTED] then reached behind his back and pulled his firearm from his rear waistband, escalating the incident to a deadly force situation once more.

Behavioral Evidence: Deputy [REDACTED]

- o Deputy [REDACTED] is a fully commissioned Deputy for the Spokane County Sheriff's Office, with 18 years of combined service. His work history includes:
 - o Police Officer - [REDACTED], 1991 - 2004.
 - o Deputy Sheriff - [REDACTED] County ([REDACTED]) Sheriff's Office, 2004 - 2008
 - o Deputy Sheriff - Spokane County Sheriff's Office, 2008 - Present.

¹⁷Deputy [REDACTED] comments to Deputy [REDACTED] at the scene.

- o On [REDACTED], 2010 Deputy [REDACTED] was working as an Officer for the City of Spokane Valley, a contract city with the Spokane County Sheriff's Office. He had responded to a call where a citizen had requested extra patrol and a prowl check in her neighborhood. The citizen said her son had been threatened by ten subjects earlier in the evening, and they had threatened to return to assault him and rob their home. The citizen feared they would return, and requested an officer presence in the area.¹⁸
- o Deputy [REDACTED] has no history (personally or professionally) with [REDACTED] or his business [REDACTED].¹⁹
- o Deputy [REDACTED] had no idea who Mr. [REDACTED] was when he walked up to his patrol car, with a handgun in his right hand.²⁰
- o Deputy [REDACTED] believed his life was in danger, "As soon as I recognized he (Mr. [REDACTED] was walking at me with gun."²¹
- o Deputy [REDACTED] verbally identified himself as a law enforcement officer, and gave verbal commands for Mr. [REDACTED] to "Drop the Gun" and Get on the Ground" to which Mr. [REDACTED] did not comply.
- o When Mr. [REDACTED] finally secured his weapon in his waistband, Deputy [REDACTED] attempted to control the subject by using verbal commands, "Get on the ground."
- o When Mr. [REDACTED] refused, Deputy [REDACTED] then delivered a single baton strike to the leg to deescalate the situation, and control and secure the Mr. [REDACTED]
- o Mr. [REDACTED] buckled, and then he pulled his firearm from his rear waistband.
- o Deputy [REDACTED] responded by firing one shot to the center mass of Mr. [REDACTED] mortally wounding him.

¹⁸ CAD Event [REDACTED] 2010

¹⁹ [REDACTED] Transcript - 2, pg. 5

²⁰ [REDACTED] Transcript - 2, pg. 9

²¹ [REDACTED] Transcript - 1, pg. 26

- o **Post-Shooting Actions:**

- o Deputy [REDACTED] notified radio, "Shots fired" and requested an ambulance.²² As is with many law enforcement officers, Deputy [REDACTED] stood by in a ready position²³ until his backing units arrived on scene.
- o When additional law enforcement was on scene, Deputy [REDACTED] shifted his attention to rendering aid to Mr. [REDACTED].²⁴
- o Deputy [REDACTED] arrived on scene, and as is the policy of many law enforcement agencies, Deputy [REDACTED] removed Deputy [REDACTED] from an active role inside the scene, and transported him back to the station.²⁵

-- [REDACTED] Transcript - 1, pg. 12

²³ "Ready Position" - Police terminology describing when the officer is on alert, but the weapon is held at a lowered position. This position enables a police officer to more fully view, scan, and evaluate any potential threats, i.e., the person's hands, yet still be readily prepared to engage and use deadly force if required.

²⁴ [REDACTED] Interview - 2, pgs. 12, 13

²⁵ [REDACTED] Interview - 2, pg. 14

CRIME SCENE RECONSTRUCTION

The following reconstruction of the events surrounding the Officer-Involved Shooting of [REDACTED] is based upon the physical evidence found at the scene and during autopsy, a thorough analysis of the various statements made during the course of this investigation in relation to the evidence, and a comprehensive review of case materials and photographs.

A comprehensive list of documents examined is included in Appendix A. The Washington State Patrol (WSP) crime scene diagram is included in Appendix B to assist the reader in understanding this reconstruction. Pertinent photographs of the scene are included in Appendix C.

DEPUTY [REDACTED] PARKED ON [REDACTED] PROPERTY WITH THE INTENT TO FINISH HIS PAPERWORK AND CONDUCT A PROWL CHECK AT [REDACTED].

- o There is no indication that Deputy [REDACTED] parked his unmarked Sheriff's Department patrol car in [REDACTED] parking lot, (which is owned by the decedent, [REDACTED]) for any reason other than to complete his paperwork involving a traffic collision, using his in-car computer (MDT), and monitor the area.
- o Deputy [REDACTED] responded to a citizen request for extra patrol and a prowl check in her neighborhood, because ten subjects had threatened her son earlier, and she feared they would return to assault her son and rob her home.²⁶
- o Spokane County – City Forensics Unit reports a thorough visual search of Deputy [REDACTED] patrol car, inside an out.
 - o The search of the exterior of the car focused on the presence of “blood, other contaminants, marks/scrapes, etc. This search was negative, and rendered no evidence.”²⁷

²⁶ CAD Event [REDACTED] -2010

²⁷ Forensics Unit Memo, dated [REDACTED] -2011

- o The search of the interior front driver's door and the interior driver's area including the seat and floorboard. This visual search focused on the presence of "blood, other contaminants, out of place objects, etc." This search was also negative, and rendered no evidence.²⁸
- o There was no evidence that Deputy [REDACTED] tried to clean up any form of evidence on the interior or exterior surfaces on the driver's side of the patrol car.²⁹

MR. [REDACTED] VOLUNTARILY WALKED OUTSIDE, ENCOUNTERED A CAR PARKED ON HIS PROPERTY, AND SOUGHT THE CONFRONTATION.

- o Mr. [REDACTED] left the safety of his home and encountered a car parked on the property, which was occupied by Deputy [REDACTED]
- o [REDACTED] (wife of [REDACTED]) reported that her husband normally uses a handgun to "enforce his authority as the property owner."³⁰
- o Mr. [REDACTED] walked up to Deputy [REDACTED] patrol car brandishing a handgun.
- o Mr. [REDACTED] never identified himself to Deputy [REDACTED]
- o Mr. [REDACTED] chose not to comply with the Deputy's verbal commands to drop the gun.
- o Mr. [REDACTED] should have recognized the car as an unmarked patrol car.
- o Deputy [REDACTED] was wearing a standard Spokane County Sheriff's Office uniform.
- o Deputy [REDACTED] had never met Mr. [REDACTED] and did not know Mr. [REDACTED] to be the owner of [REDACTED]

THIS CONFRONTATION WAS EXASPERBATED BY MR. [REDACTED] WHEN HE FAILED TO OBEY DEPUTY [REDACTED] REPEATED COMMANDS.

- o Deputy [REDACTED] did not know Mr. [REDACTED], who approached the patrol car with an exposed handgun.
- o Deputy [REDACTED] verbally identified himself as a law enforcement official, as Mr. [REDACTED] approached, and issued a direct order, "Police. Drop the gun."³¹

²⁸ Forensics Unit Memo, dated [REDACTED]-2011

²⁹ Forensics Unit Memo, dated [REDACTED]-2011

³⁰ Interview of [REDACTED], conducted by Detective [REDACTED]

³¹ [REDACTED] Interview - 1, pg. 8

- Deputy [REDACTED] issued multiple commands for Mr. [REDACTED] to, "Drop the Gun"³² and when Mr. [REDACTED] walked up to the Patrol car with the pistol still in his hand, Deputy [REDACTED] issued multiple commands for Mr. [REDACTED] to, "Back Up."³³
- Mr. [REDACTED] had repeatedly opted not to obey Deputy [REDACTED] commands preceding this shooting incident.
- Eventually, Mr. [REDACTED] took a couple steps backwards, and placed his pistol in the rear waistband of his pants, but the incident wasn't over. In order for Deputy [REDACTED] to bring the situation under control, he told Det. [REDACTED] that he still needed Mr. [REDACTED] to, "Go to the ground, to control him."³⁴
- Deputy [REDACTED] exited his patrol car and directed Mr. [REDACTED] to, "Get on the Ground."³⁵ Mr. [REDACTED] again did not comply with Deputy [REDACTED] commands.
- Since Mr. [REDACTED] had secured his pistol, Deputy [REDACTED] withdrew his baton from his baton ring, and delivered one strike to the left knee of Mr. [REDACTED]. By Deputy [REDACTED] account, the blow only "Buckled"³⁶ Mr. [REDACTED]. It is also possible that Mr. [REDACTED] moved aside to avoid the baton strike.
- Mr. [REDACTED] then stood up, and reached around his back to where he had earlier secured his pistol.
- Deputy [REDACTED] recounts that he knew the pistol had been secured in the rear waistband, and focused his attention on Mr. [REDACTED] face, center mass, and primarily his right hand.
- As soon as Mr. [REDACTED] pulled the pistol out from behind his back, and Deputy [REDACTED] saw the pistol, gripped in Mr. [REDACTED] right hand, Deputy [REDACTED] fired one round into Mr. [REDACTED] chest.

² Interview - 1, pg. 8, 9

³ Interview - 1, pg. 9

⁴ Interview of Deputy [REDACTED], conducted by WSP Det. [REDACTED] /10)

⁵ Interview - 1, pg. 10

⁶ Interview - 1, pg. 11

DEPUTY [REDACTED] SHOT AND MORTALLY WOUNDED [REDACTED] IN THE PARKING LOT OF A BUSINESS MR. [REDACTED] OWNED.

- Mr. [REDACTED] was found supine on the bare ground, beside Deputy [REDACTED] Patrol car. There were no other cars in the parking lot at the time, and no eye-witnesses to the incident other than Mr. [REDACTED] and Deputy [REDACTED].
- The gunshot wound sustained by Mr. [REDACTED] would have quickly incapacitated him and by Deputy [REDACTED] account, Mr. [REDACTED] simply stared at him for a moment and then he fell to the ground.
- Deputy [REDACTED] remembers Mr. [REDACTED] fell to the ground and rolled over onto his back. The heavy soil concentration on the left pant leg over the knee area and the abrasion injuries on Mr. [REDACTED] left knee suggests he may have fallen in several stages:
 - First, down onto his left knee,
 - Second, down to his hip,
 - Finally, rolled over onto his back.
- The heart would have continued to pump for a brief period of time.
 - NOTE: Most muscles contract via electrical impulses from the brain; however cardiac muscle tissue is different than other muscles types in the body, because the beating of the heart itself is not regulated by the brain, but actually from within the heart. The brain simply communicates to the heart, how fast to beat, depending on the situation. Nerve cells within the heart continue firing for a period of time, stimulating the heart beat. For this reason, Mr. [REDACTED] heart, which was severely damaged, didn't immediately stop beating, resulting in arterial spurt bloodstain patterns found at the scene.
- Elongated bloodstains are found on the ground adjacent to, and above Mr. [REDACTED] head. As the heart pumps, blood squirts from the wound, creating a linear distribution of projected bloodstains.
- Likewise, when the body impacts the ground, the rapid deceleration causes blood to be projected from the exposed gunshot wound, and these bloodstains could be intermingled with the arterial bloodstains. Projected bloodstains are relatively large and can travel further than smaller blood droplets generated from gunshot wounds.

- o It is my opinion that, it is more likely that after Mr. [REDACTED] was shot he fell down onto his left knee, simultaneously generating the first arterial spurt of blood. Mr. [REDACTED] continues to fall down to his left hip, causing his body to continue to rotate onto his back. During this movement, a second arterial spurt pattern is generated (to the northeast of Mr. [REDACTED].) Then, Mr. [REDACTED] rolled over onto his back, coming to rest over nearest end of the first arterial spurt pattern.
- o The absence of bloodstains on the right hand of Mr. [REDACTED] supports Deputy [REDACTED] account of Mr. [REDACTED] reaching behind his back to retrieve his pistol. This action shields the right hand from the blood which is projected forward away from the gunshot wound in his chest.
- o Bloodstains found on the left hand of Mr. [REDACTED] could have been deposited there following the gunshot wound, when the blood was projected from his body, and as he fell to the ground. Because Mr. [REDACTED] was reaching behind his back with his right hand, it is reasonable to opine that he may have been balancing his stance by extending his left hand forward, exposing his left hand to the blood which is projected forward from the gunshot wound in his chest.
- o There are no other significant injuries noted on Mr. [REDACTED] or Deputy [REDACTED] which could be attributed to the size, shape, or distribution of the bloodstains found at this scene.

[REDACTED] FELL TO THE GROUND NEAR TO THE AREA WHERE HE WAS SHOT.

- o According to Deputy [REDACTED], following the gunshot, Mr. [REDACTED] simply leaned forward, fell towards the ground, and rolled to his back.
- o It is clear that Mr. [REDACTED] was moved during life saving efforts. In at least one photograph, an EMT from AMR is lifting Mr. [REDACTED] by the arms. Likewise in a written report an EMT discusses lifting the head and arms to help clear the airway.
- o Mr. [REDACTED] is positioned differently in the photographs taken by Deputies [REDACTED] and [REDACTED] than he was in the photographs taken after he was pronounced dead.

- CPR and other life saving efforts are very dynamic actions. These actions alone create opportunities for the body to move and be repositioned by Fire / EMS first responders.

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DEPUTY [REDACTED] AND [REDACTED] WERE FACING EACH OTHER AT THE TIME OF THE SHOOTING.

- The bullet trajectory through Mr. [REDACTED] chest (as described by the Medical Examiner) is [REDACTED]
- The Medical Examiner (Dr. [REDACTED]) stated he did not establish an angle for the trajectory; [REDACTED]
[REDACTED]
[REDACTED]
- Dr. [REDACTED] also stated the trajectory he demonstrated in the autopsy photographs represent Mr. [REDACTED] in an "Anatomical Position." In it the body is assumed to be standing, the feet together, the arms to the side, and the head, eyes, and palms facing forward. Admittedly, Dr. [REDACTED] agrees this is not the position Mr. [REDACTED] was in at the time he was shot.³⁷
- Most members of the medicolegal community agree there is a margin of error of plus or minus five degrees in establishing the path of a bullet through the body due to bullet deviation, whether the subject was breathing in or out at the time the wound was created. This margin of error is compounded by the following facts in this case:
 - In the autopsy photographs, Dr. [REDACTED]
[REDACTED]
[REDACTED]

³⁷ Telephone interview with [REDACTED], 2011

³⁸ Telephone interview with [REDACTED], 2011

- o If the trajectory rod is smaller than the bullet hole in the bone, the trajectory rod does not represent the bullet path as accurately as if it were sized to the bullet hole.
- o If the terminal end of the trajectory rod is placed in the "area" where the bullet was surgically retrieved, the trajectory rod only represents an approximation of the bullet path.
- o The bloodstains on the front of Deputy [REDACTED] pants and the forward facing portion of his boots are consistent with blood exiting the anterior (front) of Mr. [REDACTED] chest and striking the front of Deputy [REDACTED]
- o Mr. [REDACTED] was not in a defensive position prior to Deputy [REDACTED] discharging his weapon. According to the Medical Examiner, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DEPUTY [REDACTED] AND [REDACTED] WERE IN CLOSE PROXIMITY TO EACH OTHER (3 - 5 FEET) AT THE TIME OF THE SHOOTING.

- o Deputy [REDACTED] "remembers" being about six feet away from Mr. [REDACTED] when he discharged his weapon, but he talks about having to be closer in order to make contact with the baton strike. In the end he reasons he must have been three-to-four feet from Mr. [REDACTED] when he discharged his duty weapon.³⁹
- o Dr. [REDACTED] identifies, "[REDACTED]
[REDACTED]"
- o WSP Firearms Examiner [REDACTED] conducted a series of test fires at "muzzle-to-target distances of 1, 2, 3, 4, 5, and 6 feet." [REDACTED] concluded that "Stippling does not occur at muzzle-to-target distances of approximately five feet or greater."⁴¹
- o Deputy [REDACTED] account of the 3 to 4 feet between he and Mr. [REDACTED] is supported by the stippling evidence.

³⁹ [REDACTED] Interview - 1 pg. 25

⁴⁰ Autopsy Report pg. 6

⁴¹ [REDACTED] WSP Crime Laboratory Report, Dated [REDACTED]-10.

DEPUTY [REDACTED] FIRED A SINGLE, DELIBERATE SHOT TO THE CENTER MASS OF MR. [REDACTED].

- Modern law enforcement trainers teach that when an officer uses deadly force the intent should be to stop a suspect's threatening behavior as fast as possible. Shooting for a subject's center mass is usually considered the most effective first option.
- According to the autopsy report and the supporting autopsy photographs, the gunshot wound [REDACTED]
[REDACTED]
- Deputy [REDACTED] shot placement was consistent with standardized law enforcement firearms training, and does not support an unintentional or accidental discharge.

THE FLASHLIGHT, AND THE .45 CALIBER HANDGUN OWNED BY MR. [REDACTED]

- Mr. [REDACTED] was said to be retrieving a handgun from his rear waistband, using his right hand when the shooting occurred.
- At the moment Mr. [REDACTED] was shot, his right arm was moving out from behind his back. The momentum of his right arm continues and he releases his grip on the pistol. The pistol travels to his right, coming to rest on the ground.
- Mr. [REDACTED] had been holding a flashlight, which originally drew Deputy [REDACTED] attention to Mr. [REDACTED] as he walked across the parking lot.
- It is unknown if the flashlight was dropped at or after the baton strike, or when Mr. [REDACTED] was shot, but the flashlight would have been released from his grip, and it would have dropped straight down onto the ground, below Mr. [REDACTED]
- In the fashion which Mr. [REDACTED] fell to the ground, his body came to rest, partially covering the flashlight.

- o The Flashlight and Handgun are both moveable objects, and their respective final positions of rest in a scene are transient at best.
- o It is not uncommon for first responders (Police and Fire) to move items, especially weapons, outside of the reach of subjects. Law enforcement officers may move a weapon or item and not recall because of their "tunnel vision" state which focuses them at the time of a shooting incident.
- o Historically, Fire and EMS Personnel have moved, and even secreted weapons in a scene to minimize their exposure because of their hurried movement and focused care of the patient.
- o For instance in this case, an AMR ambulance employee described placing a backboard on the ground, contacting Mr. [REDACTED] handgun. It is not know if that action moved the handgun significantly, or if the employee subsequently moved the handgun out of the way of the backboard.

CONCLUSIONS

On [REDACTED], 2010 Mr. [REDACTED] was fatally shot by Spokane Sheriff's Deputy [REDACTED]. At the time of this incident, Deputy [REDACTED] had parked his unmarked patrol car in the parking lot of "[REDACTED]," a business owned by Mr. [REDACTED] and located in Spokane County.

Deputy [REDACTED] maintains he was seated inside his patrol car updating a traffic collision report and subsequent Notice of Infraction on his work computer (MDT), and visually monitoring the area for prowlers, because of a citizen request for extra patrol and a prowl check in her neighborhood. The citizen reported her son had been assaulted earlier by ten subjects, and she feared they would return to assault her son and rob her home.

Deputy [REDACTED] was seated in his patrol when a flash of light to his left, caught his attention. He then noticed a man walking towards the back of his patrol car. The subject (later identified as [REDACTED]) turned slightly and approached the driver's side door. When Mr. [REDACTED] turned, Deputy [REDACTED] could see he was holding a handgun in his right hand, pointed down towards the ground.

Deputy [REDACTED] retrieved his firearm and pointed it at Mr. [REDACTED] while he was still seated in the patrol car. He said in a stern tone, "Police, drop the gun," but Mr. [REDACTED] continued to advance towards the Deputy. Mr. [REDACTED] was commanded to, "drop the gun" five or six more times before he replied, "I don't have to, I've had things stolen, I'm not going to." Deputy [REDACTED] continued to command Mr. [REDACTED] to, "Drop the gun" and "Stay back."

Mr. [REDACTED] made his way to Deputy [REDACTED] driver's side door. He was standing 2 - 3 feet away from Deputy [REDACTED] with the gun still in his hand. Deputy [REDACTED] told Mr. [REDACTED] to "Drop the gun," and to "Step away from the car" at least five times. Mr. [REDACTED] said, "I 't have to," and "I'm not going."

According to Deputy [REDACTED], Mr. [REDACTED] finally did place his firearm in the rear waistband of his pants, and he walked backwards a couple steps, still facing the patrol car and deputy.

Deputy [REDACTED] got out of his car and told Mr. [REDACTED], "Never walk up on the police with a gun in your hand." Deputy [REDACTED] then told Mr. [REDACTED] to, "Keep your hands where I can see them" as the Deputy distanced himself from Mr. [REDACTED]

Deputy [REDACTED] then started commanding Mr. [REDACTED] to, "Get on the ground" several times in succession to which Mr. [REDACTED] said, "I don't have to, and I'm not going to." While still holding his pistol in his right hand, Deputy [REDACTED] drew his baton using his left hand.

Deputy [REDACTED] advanced on Mr. [REDACTED] and delivered a back-handed blow to the left outer knee of Mr. [REDACTED] who buckled slightly but did not go to the ground. Deputy [REDACTED] put his baton away and remembers calling a "Code 6" over his radio either just before, or after the baton strike. Following the baton strike, Mr. [REDACTED] stood straight up. Deputy [REDACTED] commanded him again to, "Get on the ground." Mr. [REDACTED] simply stared at Deputy [REDACTED] and again did not go to the ground.

According to Deputy [REDACTED] Mr. [REDACTED] reached around his back to the area Deputy [REDACTED] knew the pistol was secured. As Mr. [REDACTED] pulled his arm forward, and Deputy [REDACTED] could see the pistol grip in his hand, he fired one round, striking Mr. [REDACTED] in the chest, mortally wounding him. Deputy [REDACTED] informed radio, "Shots fired" and he stood by until backing units arrived on scene.

Once other Sheriff's units arrived, Deputy [REDACTED] tried to organize life saving efforts. Another on scene deputy recognized Deputy [REDACTED] had been involved in the incident and he took him out of the scene. Mr. [REDACTED] was treated on the scene by medical personnel from Fire / EMS personnel, and was later pronounced dead by the Emergency Room physician in communication with the medics on scene.

As required, this incident was investigated by the Criminal Investigations Bureau and the Internal Affairs Bureau to determine all relevant facts and circumstances. The preliminary finding of the criminal investigation was that the shooting was non-criminal, and done so during the performance of a lawful duty by Deputy [REDACTED]. The criminal investigation was presented to Mr. [REDACTED], Prosecuting Attorney for Spokane County. Following his

review of the investigation, he ruled there was no violation of criminal law, and declined to prosecute Deputy [REDACTED]

The conclusions in this case are supported by the evidence examined, and the evidence supports the prosecutor's ruling to not file criminal charges against Deputy [REDACTED]. This report is based solely upon the information made available at the time this document was written and may be changed or modified with the discovery of new information.

APPENDIX A: MATERIAL EXAMINED

Investigators' Reports:

- a. Spokane PD Det. [REDACTED], Lead Investigator
- b. Spokane PD Det. [REDACTED] Reports
- c. Spokane PD Det. [REDACTED] Reports
- d. Spokane County SO Det. [REDACTED] Reports
- e. WSP Det. Sgt. [REDACTED]
- f. WSP CID Det. [REDACTED]
- g. WSP Det. [REDACTED]
- h. WSP Det. [REDACTED]
- i. Washington State Crime Lab Reports
- j. Spokane County-City Forensic Unit Crime Scene Reports

Decedent: [REDACTED]

- a. Autopsy Report and Photographs
- b. Scene Photographs
- c. Evidence Photographs

Deputy: [REDACTED]

- a. Deputy [REDACTED] Tactical Interview
- b. Deputy [REDACTED] First Interview
- c. Deputy [REDACTED] Second Interview
- d. Deputy [REDACTED] Third Interview
- e. Photographs of Deputy [REDACTED] after the shooting
- f. Photographs of Deputy [REDACTED] Uniform pants and boots
- g. Photographs of Deputy [REDACTED] Patrol Car

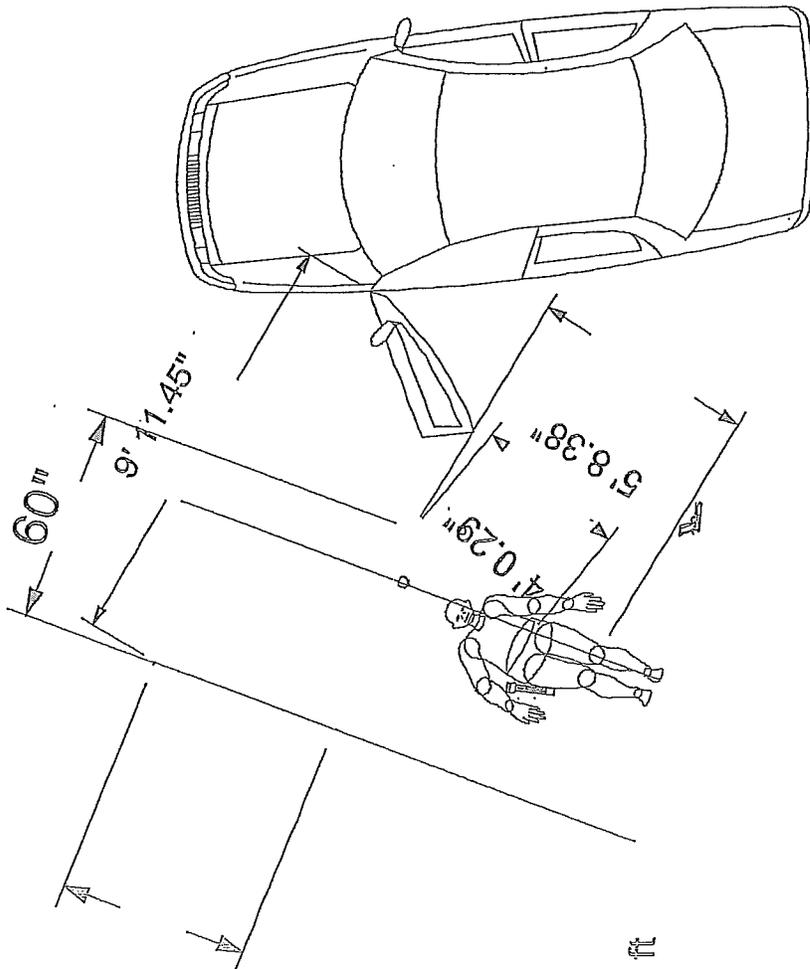
Forensic Unit Photo Book

Dispatch CAD Notes

Property Receipts

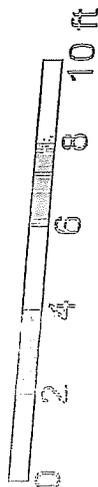
Mr. [REDACTED] Investigation and Critique of SPD's OIS Investigation

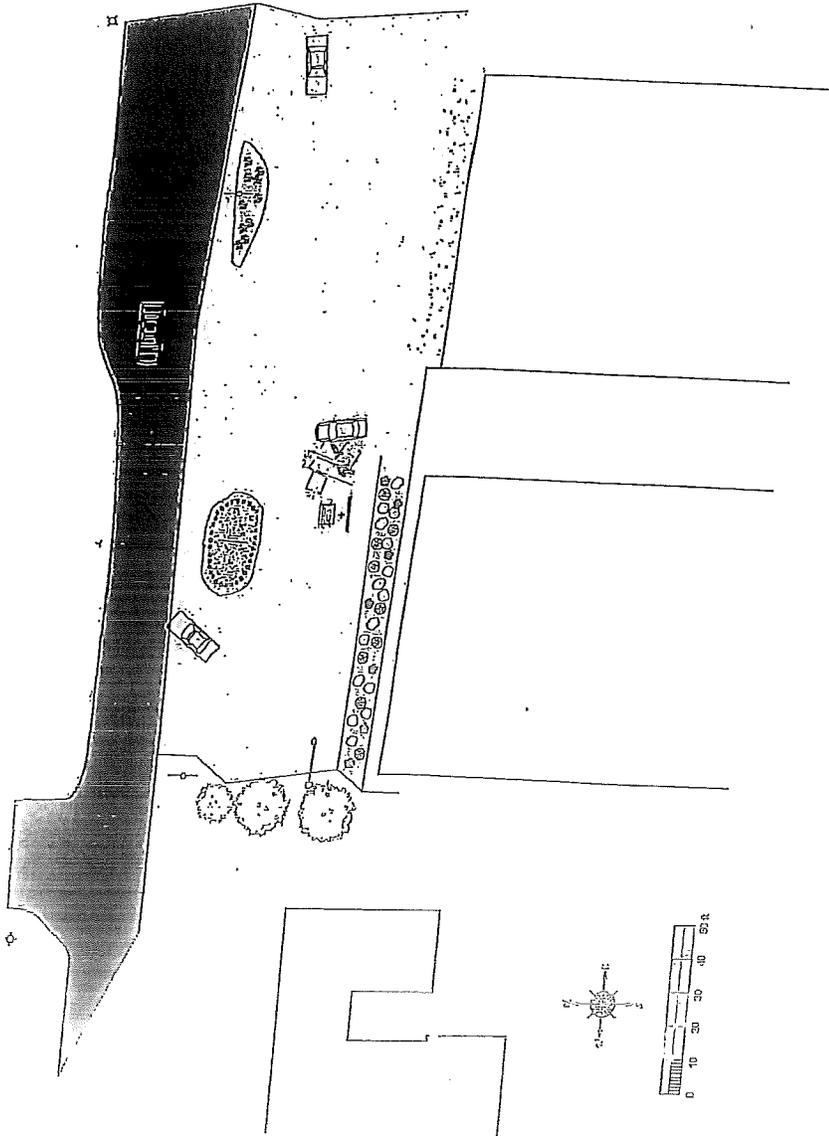
APPENDIX B: CRIME SCENE DIAGRAMS



CS
=

WASHINGTON STATE PATROL	
NEW CASE NUMBER:	
NEW CASE NUMBER:	
LOCATION:	
DATE:	
DIVISION:	Detective





WASHINGTON STATE PATROL

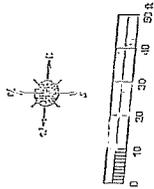
SUP. CASE NUMBER: [REDACTED]

RESP. CASE NUMBER: [REDACTED]

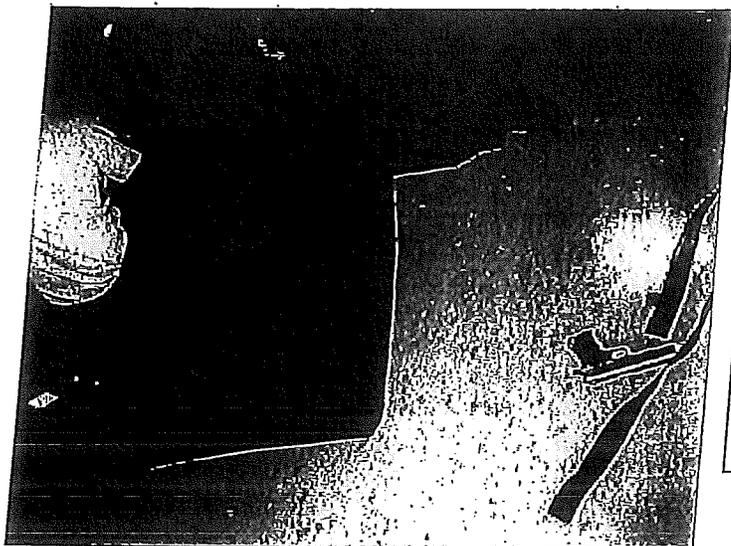
LOCATION: [REDACTED]

DATE: [REDACTED]

DRAWN BY: Detective [REDACTED]



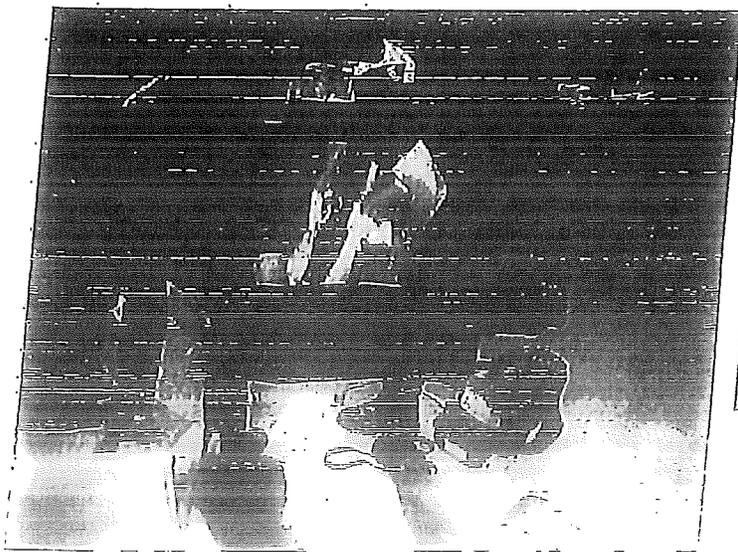
APPENDIX C: PERTINENT PHOTOGRAPHS



Photograph depicting the Spokane Valley Fire / EMS Personnel administering CPR to Mr. [REDACTED]

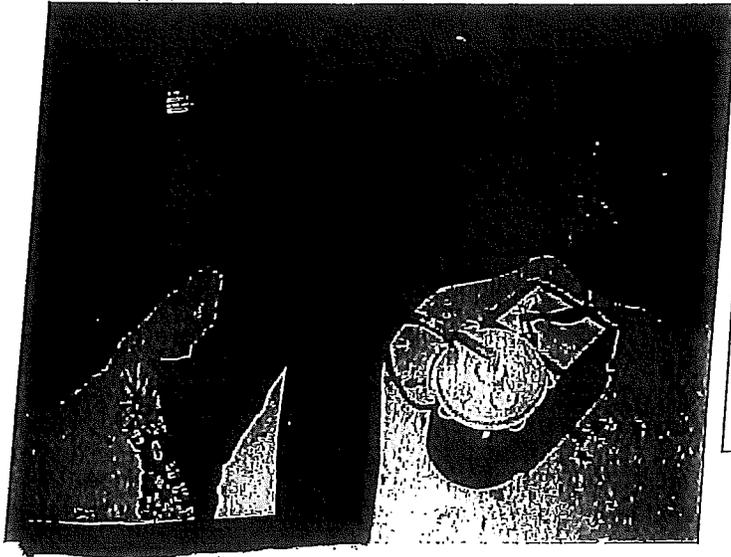
Note the linear (arterial) bloodstain near his left foot, and the .45 caliber handgun on the ground.

Photograph taken by Deputy [REDACTED]



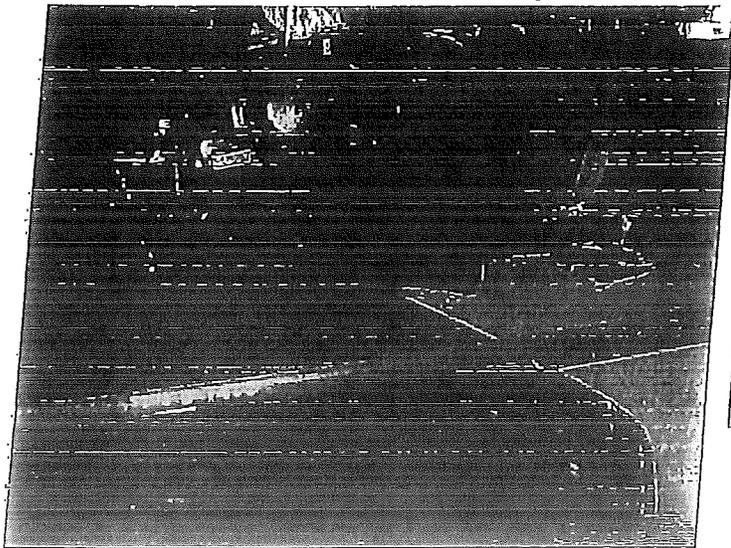
Photograph depicting the AMR Employee ([REDACTED]) in the white shirt lifting Mr. Creach by his arms, to "clear the airway."

Photograph taken by Deputy [REDACTED]



Photograph depicting the Spokane Valley Fire / EMS working on Mr. [REDACTED], standing and kneeling on the bloodstains on the ground.

Photograph taken by Deputy [REDACTED]



Relational photograph taken while Fire / EMS work on Mr. [REDACTED]

Position of Mr. [REDACTED] in relation to the patrol car.

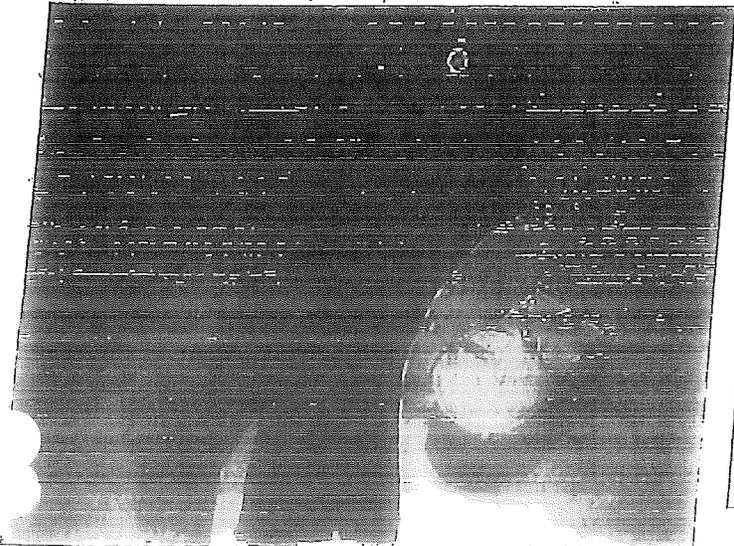
Photograph taken by Deputy [REDACTED]



Photograph depicting the Spokane Valley Fire / EMS Personnel administering CPR to Mr. [REDACTED]. Note the linear (arterial) bloodstain near his left foot.

Evidence of incontinence in the front portion of the trousers.

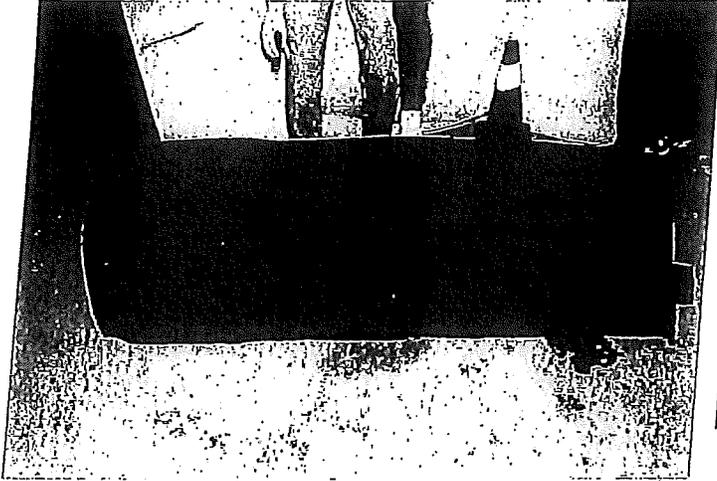
Photograph taken by Deputy [REDACTED]



Photograph depicting the production of flow patterns and large volume bloodstain directly under the head, neck, and shoulder area of Mr. [REDACTED].

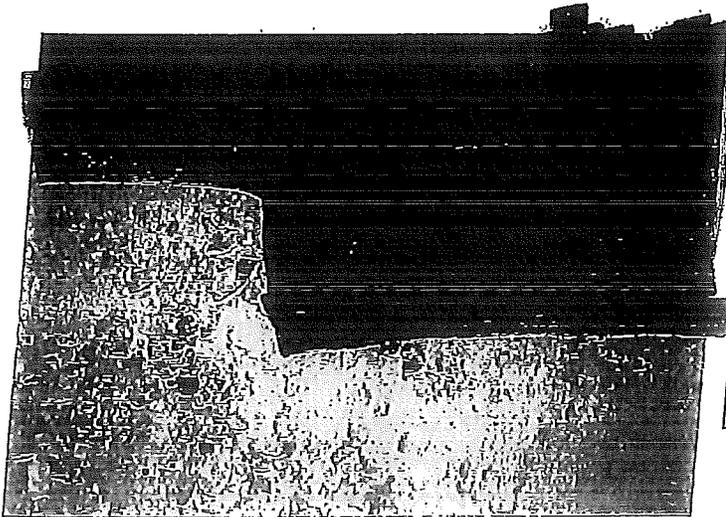
Bloodstains on the left hand, dirt on the heel of the palm, hand outside of the blood field.

Photograph taken by Deputy [REDACTED]



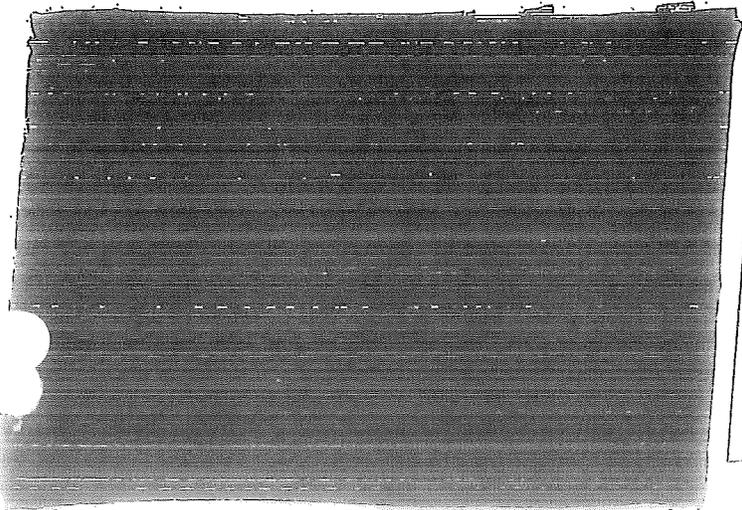
Photograph of Mr. [redacted] being rolled over (presumably by the M.E.) exposing the large volume stain under his head and neck, and the urine stain under his buttocks.

Photograph taken by Deputy [redacted]



Mr. [redacted] after being pronounced dead on scene. The left hand is overlaid on a bloodstain pattern on the ground.

Photograph taken by Deputy [redacted]



Bloodstains on Mr. [redacted]'s left hand, photographed in the Spokane County Morgue.

Dirt can be seen over the top of bloodstains on the heel of the palm, indicating the blood was on the hand prior to the hand contacting the dirt.

M.E. Photograph taken at morgue

ABOUT THE AUTHOR

Dan [REDACTED] is a municipal police officer, investigator, and owner of [REDACTED] Forensics, a Consulting and Education Company, specializing in crime scene investigation, reconstruction and bloodstain pattern analysis. From 1984 to 1997 [REDACTED] worked as a Medicolegal Death Investigator in both [REDACTED] and [REDACTED]. He has investigated well over three thousand death scenes, and developed his expertise in Crime Scene Investigation and Reconstruction.

An independent consultant since 1995 and a commissioned police officer since 1997, [REDACTED] has continued to investigate, review and advise on violent crime cases.

[REDACTED] has been writing for, and regularly teaching to law enforcement, criminal investigators and attorneys since 1988. In 1998 he was conferred the title of adjunct instructor in Criminal Investigations at the Washington State Criminal Justice Training Commission (CJTC), and in 2001 was certified as a Professional Lecturer in Criminal Investigations by the Washington State Criminal Justice Training Center.

[REDACTED] earned his Master's Degree in Criminal Justice from [REDACTED] and his Bachelor's Degree in Social Science from [REDACTED] ([REDACTED]). He is also a graduate of the Math and Physics in Bloodstain Pattern Analysis Course, sponsored by the [REDACTED] and [REDACTED] in [REDACTED], Canada. In addition, [REDACTED] has completed more than 400 course hours of Bloodstain Pattern Analysis, and over 200 hours of crime scene analysis and reconstruction training.

As an independent crime scene investigator, [REDACTED] has provided crime scene review and assistance in the United States and Canada. He has been qualified to testify as an expert witness in Bloodstain Pattern Analysis, Crime Scene Reconstruction, and Death investigation in State, Federal and U.S. Military Courts, as well as the [REDACTED] and Superior Court in [REDACTED], Canada

ABOUT [REDACTED] FORENSICS

[REDACTED] Forensics is an independent Forensic Consulting and Education Company, located in the [REDACTED], Washington area and specializes in Crime Scene Investigation, Review, and Reconstruction, Bloodstain Pattern Analysis, and Medicolegal Death Scene Investigation. To date, [REDACTED] Forensics has delivered standardized training in bloodstain pattern analysis, death investigation, and crime scene investigation and reconstruction to thousands of investigative professionals, nation-wide.

[REDACTED] Forensics' reputation is built on over 25 year's investigative experience of forensic expert [REDACTED]. [REDACTED] maintains a very diverse and technically trained resume, which includes over 3500 death scenes visited during his 15 years as a Medicolegal Death Scene Investigator, and several hundred more crime scene investigations he's logged as a Police Investigator.

[REDACTED] Forensics' mission is to develop a high quality and non-biased forensic investigation for members of the criminal justice community, and to provide an objective and reliable analysis of complex crime scenes.

PRE-SHOOTING DIORAMA PHOTOGRAPHS

A diorama is a scenic representation in which poseable figures are displayed in a series of pictures, representing a continuous scene. The diorama is used to help demonstrate the relative positions of Deputy [REDACTED] and Mr. [REDACTED], during the Officer-Involved Shooting incident.



← Scene One

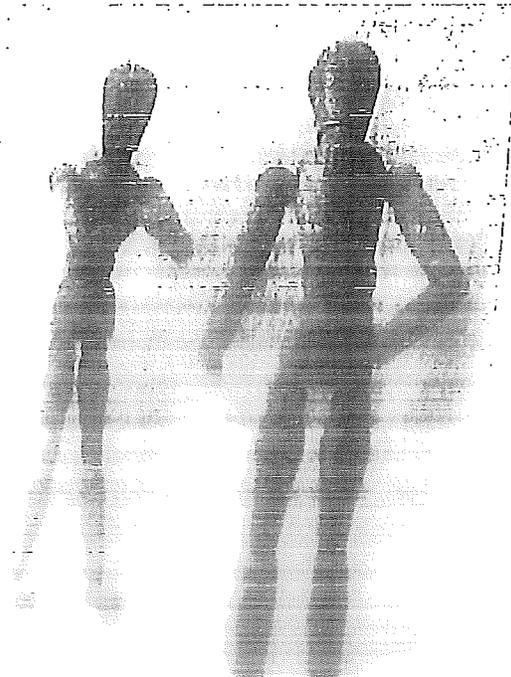
Deputy [REDACTED] on left, with the back to the camera, standing upright in a modified Weaver shooting stance (arms flexed at the elbow, hands held close to his body, firearm in line with his nose).

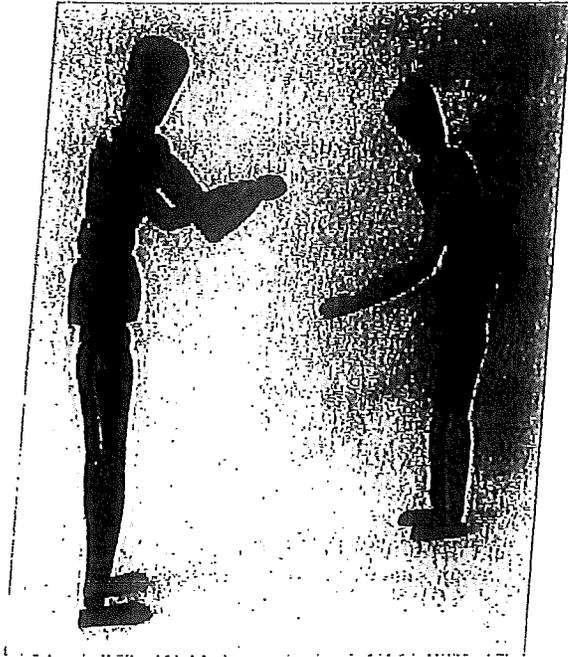
Mr. [REDACTED] on the right, facing the camera, reaching behind his back with his right hand, his left hand is extended forward and down.

Scene Two →

Deputy [REDACTED] on left, facing the camera, standing upright in a modified Weaver shooting stance (arms flexed at the elbow, hands held close to his body, firearm in line with his nose).

Mr. [REDACTED] on the right, with the back to the camera, reaching behind his back with his right hand, his left hand is extended forward and down.





← Scene Three

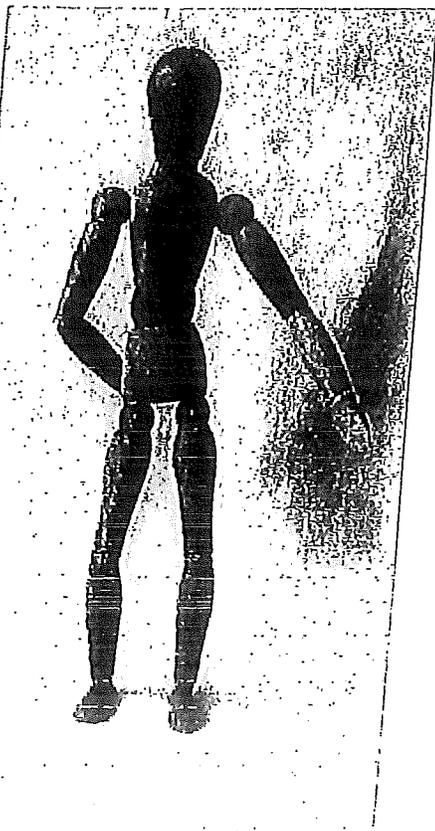
Deputy [REDACTED] on the left side of the photograph, facing Mr. [REDACTED]

Mr. [REDACTED] on the right side of the photograph, facing Deputy [REDACTED]

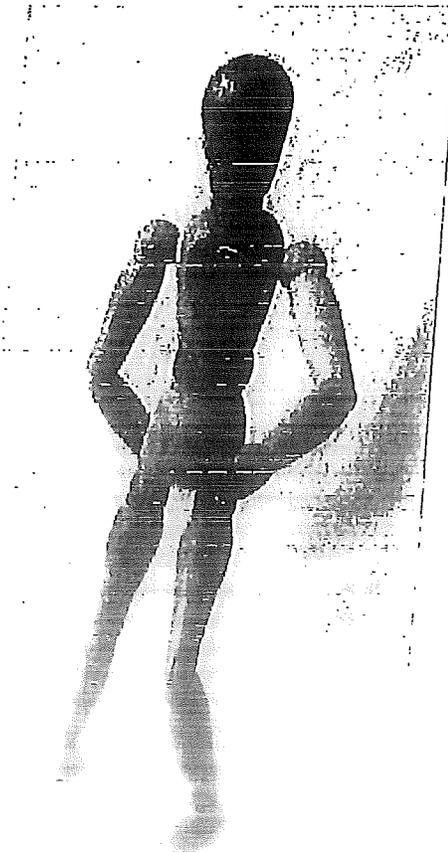
Mr. [REDACTED] is reaching behind his back, with his right hand, while his left hand is extended forward and down.

POST-SHOOTING DIORAMA PHOTOGRAPHS

This series of photographs represent the movement of Mr. [REDACTED] following the shooting incident. This diorama is based upon Deputy [REDACTED]'s testimony as well as the evidence studied from the scene, and the investigators reports.



← **Frame One:** Mr. [REDACTED] is standing upright, leaning slightly forward, reaching behind his back, with his right hand, his left hand is extended forward and down for balance.



Frame Two: →

Mr. [REDACTED] has been shot. He is starting to collapse. His left knee is starting to bend, while his body is beginning to fall straight down towards the ground. His left arm is up and forward of his body. The first of two arterial spurts project from his chest wound. Blood contacts his left hand.

Other bloodstains terminate on the ground creating one of the two linear bloodstain patterns seen on the ground to the northeast of the Mr. [REDACTED] body.

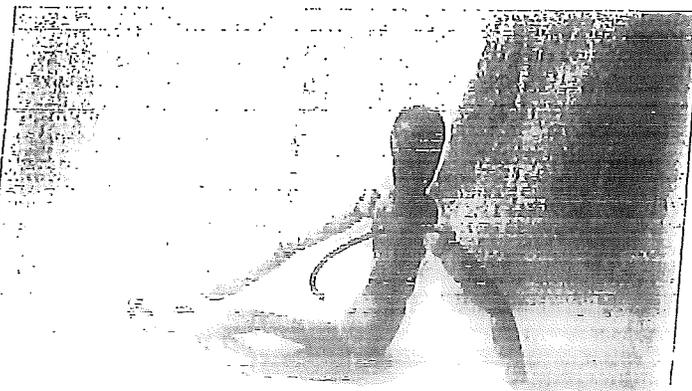


← **Frame Three:**

Mr. [REDACTED] body collapses straight down towards the ground. He falls hard onto his left knee, impacting the gravel. His right leg shifts out to his right side. The momentum of his right arm, moving from behind his back continues and he releases his grip on the pistol. The pistol travels to his right, coming to rest on the ground. A second arterial spurt of blood starts to emit from his chest wound.

Frame Four: ⇒

Mr. [REDACTED] falls onto his left hip. His lower body is now fully contacted with the ground. His left palm strikes the ground as his upper body continues to fall. Arterial blood continues to spurt onto the ground, completing the east of the two linear bloodstain patterns seen on the ground to the east of the body.





← Frame Five:

The momentum of the fall causes Mr. [REDACTED] to rotate from his left hip, onto his back. His upper body falls backwards.



Frame Six: →

Mr. [REDACTED] collapses fully onto his back, resulting in him being in a supine position on the ground. His entire body is now fully contacted with the ground. His arms [REDACTED] his side, and his legs are positioned [REDACTED] him.



SHERIFF'S OFFICE MEMORANDUM

TO: Sheriff [REDACTED]

FROM: Captain [REDACTED]

CC: Undersheriff [REDACTED], Chief [REDACTED], Captain [REDACTED], Detective [REDACTED] & [REDACTED]

DATE: [REDACTED]/2011

RE: Deadly Force Review Board finding relating to Incident # [REDACTED]

The composition of the Deadly Force Review Board in this matter was as follows:

Chairperson: Captain [REDACTED] [REDACTED] Division

Member: Chief [REDACTED] /Spokane Valley Police

Member: Sergeant [REDACTED] /Training Unit

Member: Sergeant [REDACTED] /Patrol Division

Member: Deputy [REDACTED] /Patrol Division

Member: Deputy [REDACTED] /Training Unit

Member: Deputy [REDACTED] /Patrol Division

In consideration of this matter, the Deadly Force Review Board members reviewed the investigative file, and the written opinion of Deputy Prosecuting Attorney [REDACTED] which concluded that the officer's use of force was justified. Board members, with the exception of Deputy [REDACTED] also attended a debriefing of this incident which was conducted on [REDACTED]/2011 during which Deputy [REDACTED] (Defensive Tactics Instructor), Deputy [REDACTED] (Patrol Procedures Instructor), Deputy [REDACTED] (Firearms Instructor) and Deputy [REDACTED] (Firearms Instructor) presented their written views of the incident. Deputy [REDACTED] was unable to attend due to a staffing issue in Patrol at the time.

Shooting Policy for the Spokane County Sheriff's Office states in part:

1 Policy

The policy of the Sheriff's Office to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

Deputy may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

In the unanimous opinion of the Deadly Force Review Board that Deputy [REDACTED] use of force in [REDACTED] was within the policy of the Spokane County Sheriff's Office.